

# House File 2462 - Reprinted

HOUSE FILE 2462  
BY COMMITTEE ON GOVERNMENT  
OVERSIGHT

(SUCCESSOR TO HSB 684)

(As Amended and Passed by the House April 7, 2014)

## A BILL FOR

1 An Act concerning public employee bonuses, personnel settlement  
2 agreements and disciplinary actions, and including effective  
3 date and retroactive applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, subsection 11, paragraph a,  
2 subparagraph (5), Code 2014, is amended to read as follows:

3 (5) The fact that the individual resigned in lieu of  
4 termination, was discharged, or was demoted as the result  
5 of a final disciplinary action upon the exhaustion of all  
6 applicable contractual, legal, and statutory remedies, and the  
7 documented reasons and rationale for the resignation in lieu  
8 of termination, the discharge, or the demotion. For purposes  
9 of this subparagraph, "demoted" and "demotion" mean a change  
10 of an employee from a position in a given classification to a  
11 position in a classification having a lower pay grade.

12 Sec. 2. NEW SECTION. 22.13A Personnel settlement agreements  
13 — state employees — confidentiality — disclosure.

14 1. For purposes of this section:

15 a. "*Personnel settlement agreement*" means a binding legal  
16 agreement between a state employee and the state employee's  
17 employer, subject to section 22.13, to resolve a personnel  
18 dispute including but not limited to a grievance. "*Personnel*  
19 *settlement agreement*" does not include an initial decision by a  
20 state employee's immediate supervisor concerning a personnel  
21 dispute or grievance.

22 b. "*State employee*" means an employee of the state who is  
23 an employee of the executive branch as described in sections  
24 7E.2 and 7E.5.

25 2. Personnel settlement agreements shall not contain any  
26 confidentiality or nondisclosure provision that attempts to  
27 prevent the disclosure of the personnel settlement agreement.  
28 In addition, any confidentiality or nondisclosure provision in  
29 a personnel settlement agreement is void and unenforceable.

30 3. The requirements of this section shall not be superseded  
31 by any provision of a collective bargaining agreement.

32 4. All personnel settlement agreements shall be made easily  
33 accessible to the public on an internet site maintained as  
34 follows:

35 a. For personnel settlement agreements with an employee of

1 the executive branch, excluding an employee of the state board  
2 of regents or institution under the control of the state board  
3 of regents, by the department of administrative services.

4     *b.* For personnel settlement agreements with an employee of  
5 the state board of regents or institution under the control of  
6 the state board of regents, by the state board of regents.

7     Sec. 3. NEW SECTION.   **22.13B Executive branch bonuses —**  
8 **disclosure.**

9     1. For purposes of this section:

10     *a.* "*Bonus pay*" means any additional remuneration provided an  
11 employee in the form of a bonus, including but not limited to a  
12 retention bonus, recruitment bonus, exceptional job performance  
13 pay, extraordinary job performance pay, exceptional performance  
14 pay, extraordinary duty pay, or extraordinary or special duty  
15 pay, and any extra benefit not otherwise provided to other  
16 similarly situated employees.

17     *b.* "*Executive branch employee*" means an employee of the  
18 executive branch of state government, which includes any  
19 unit of state government, including but not limited to an  
20 authority, board, commission, committee, council, department,  
21 or independent agency as defined in section 7E.4, and each  
22 principal central department enumerated in section 7E.5;  
23 the office of the governor; and the office of an elective  
24 constitutional or statutory officer.

25     2. A decision to provide bonus pay to an executive branch  
26 employee, including the amount paid and the documented reasons  
27 and rationale for the bonus paid, shall be a public record.

28     3. All decisions to provide bonus pay to an executive branch  
29 employee, including information described in subsection 2,  
30 shall be made easily accessible to the public on an internet  
31 site maintained as follows:

32     *a.* For decisions to provide bonus pay to an employee of the  
33 executive branch, excluding an employee of the state board of  
34 regents or institution under the control of the state board of  
35 regents, by the department of administrative services.

1     *b.* For decisions to provide bonus pay to an employee of the  
2 state board of regents or institution under the control of the  
3 state board of regents, by the state board of regents.

4     Sec. 4. IMPLEMENTATION PROVISION. This Act shall not be  
5 construed to limit or impair the ability of law enforcement  
6 personnel to investigate any activity that may violate the laws  
7 of the state.

8     Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
9 immediate importance, takes effect upon enactment.

10    Sec. 6. RETROACTIVE APPLICABILITY. The following provision  
11 of this Act applies retroactively to January 1, 2004:

12    1. The section of this Act amending section 22.7, subsection  
13 11.